

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**LEE DARRELL CRAYTON,**

Plaintiff,

v.

**TIMOTHY FITZPATRICK, ET AL.,**

Defendants.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 5:24-CV-188-RWS-JBB

**ORDER**

Plaintiff Lee Crayton—an inmate currently confined in the Texas Department of Criminal Justice, Correctional Institutions Division—proceeding *pro se*, filed this civil action complaining of alleged violations of his constitutional rights under 42 U.S.C. § 1983. The named Defendants are Timothy Fitzpatrick, Director of the TDCJ Classification and Records Division; Warden Michael Feazell of the Telford Unit; TDCJ Executive Director Bryan Collier; and TDCJ-CID. The lawsuit was referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636(b)(1).

On December 11, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that Plaintiff be denied *in forma pauperis* status and that the above-captioned case be dismissed with prejudice as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but without prejudice as to the refiling of this lawsuit upon payment of the full \$405.00 filing fee or proof of imminent danger related to the allegations of the complaint. Docket No. 6. The Magistrate Judge further recommended that Plaintiff should be allowed to proceed in this lawsuit as though the full fee had been paid from the outset if Plaintiff pays the full filing fee within 15 days after the date of entry of dismissal. *Id.*

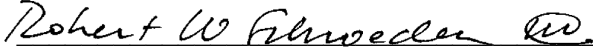
Plaintiff received a copy of this Report on December 17, 2024, but filed no objections. *See* Docket No. 7. Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations. Moreover, except upon grounds of plain error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in the above-captioned case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report and Recommendation of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that Plaintiff is denied *in forma pauperis* status and the above-styled civil rights lawsuit is **DISMISSED WITH PREJUDICE** as to the refiling of another *in forma pauperis* lawsuit raising the same claims as herein presented, but **WITHOUT PREJUDICE** to the refiling of this lawsuit upon payment of the full \$405.00 filing fee or proof of imminent danger related to the allegations of the complaint. Should Plaintiff pay the full filing fee within **15 (fifteen) days** after the date of entry of dismissal, he is allowed to proceed in this lawsuit as though the full fee had been paid from the outset.

**So ORDERED and SIGNED this 24th day of January, 2025.**

A handwritten signature in black ink, reading "Robert W. Schroeder III", with a stylized flourish at the end.

ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE